

REMARKS

Claims 1-3, 5-10, 12, 13 and 17 are now pending in the application. Independent Claims 1 and 17 are amended. No new matter is presented. Thus, in view of the above amendment and the following remarks, Applicants respectfully request the withdrawal of the rejections.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 6-10, 12-13 and 17 are rejected under 35 U.S.C. § 103(a) as obvious over U.S. 5,593,410 to Vrespa et al. in view of U.S. 6,129,730 to Bono et al.. Claim 5 is rejected as obvious over Vrespa in view of Bono and in further view of U.S. 5,180,382 to Frigg et al.. While Applicants respectfully disagree with the rejections, Applicants have amended independent Claims 1 and 17 to recite “wherein the single-start thread on the tail portion is a continuation of one of the threads of the double-start thread on the lead portion” in order to facilitate expeditious prosecution of the claims.

Vrespa discloses a bone screw having a core and a cylindrical neck of a diameter equal or greater than the maximum diameter of the thread. The screw includes a shank having an upper part 22 with a first single-start thread 26 and a lower part 24 with a second thread 28 with three starts. Vrespa at Col. 12, lines 40-57. A “small step 36” is between the upper part 22 and the lower part 24 of the screw. Id. at Col. 13, line 19.

It is respectfully submitted that Vrespa does not teach or suggest all the features recited in independent Claims 1 and 17. Specifically, it is submitted that Vrespa fails to teach or suggest the feature of “wherein the single-start thread on the tail portion is a continuation of one of the threads of the double-start thread on the lead portion.” As noted above, Vrespa discloses a screw having a shank with an upper part and a lower part having a “small step” therebetween. There is

no disclosure to support that a thread on the upper part of the shank in Vrespa is continuous with a thread on the lower part of the shank in Vrespa, and nor would one of skill in the art even consider modifying Vrespa to have a continuous thread, as it would have to extend through the “step” feature disclosed therein. Accordingly, Applicants respectfully request the withdrawal of the rejections of Claims 1 and 17.

As Claims 2, 3, 5-10, 12, and 13 depend from Claim 1, Applicants respectfully request the Examiner to reconsider and withdraw the rejections of Claims 2, 3, 5-10, 12 and 13.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at (610) 415-9000 x1174. No additional fees are believed due for this submission, however, if any additional fees are required; please charge such fees to Globus Medical Deposit Account No. 50-4131.

Respectfully submitted,



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